

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE NBR )  
ANTITRUST LITIGATION ) Master Docket  
THIS DOCUMENT RELATES TO: ) Civil Action No. 03-1898  
                              ) Judge Cercone  
                              ) Magistrate Judge Hay

IH OR DE R

AND NOW, this 29 day of September, 2005, after defendant ParaTec filed cross-claims in the above-captioned case, and after a Motion to Dismiss ParaTec's Cross-Claims was submitted on behalf of defendants Crompton Corporation and Uniroyal Chemical Company, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by defendants, Crompton Corporation and Uniroyal Chemical Company, Inc., and a response filed by defendant Paratec, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion to Dismiss Paratec's Cross-Claims [Docket No. 104-1] submitted on behalf of defendants Crompton Corporation and Uniroyal Chemical Company, Inc. is GRANTED as to Counts IV, V, VI and VII and DENIED in all other respects, and that the Motion to Compel Arbitration [Docket No.104-2] is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



---

DAVID S. CERCONE  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Stanley M. Stein, Esquire  
Feldstein, Grinberg, Stein & McKee  
428 Boulevard of the Allies  
Pittsburgh, PA 15219

Daniel M. Berger, Esquire  
Berger & Lagnese  
437 Grant Street  
912 Frick Building  
Pittsburgh, PA 15219

Michael D. Hausfeld, Esquire  
Steven H. Schulman, Esquire  
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 500, West Tower  
Washington, D.C. 20005-3934

Robert N. Kaplan, Esquire  
Richard J. Kilsheimer, Esquire  
Jason A. Zweig, Esquire  
Kaplan, Kilsheimer & Fox  
805 Third Avenue  
22<sup>nd</sup> Floor  
New York, NY 10022

Steven O. Sidener, Esquire  
Joseph M. Barton, Esquire  
Gold, Bennett, Cera & Sidener, L.L.P.  
595 Market Street, Suite 2300  
San Francisco, CA 94105-2835

Howard J. Sedran, Esquire  
Levin, Fishbein, Sedran & Berman  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106

Bernard J. Berry, Jr., Esquire  
Giordano, Halleran & Ciesla  
125 Half Mile Road  
P.O. Box 190  
Middletown, NJ 07748

Andrew B. Sacks, Esquire  
John Weston, Esquire  
Sacks, Weston, Smolinsky, Albert & Luber  
510 Walnut Street  
Suite 400  
Philadelphia, PA 19106

Steven J. Miller, Esquire  
Mark Darnell, Esquire  
Goodman Weiss Miller  
100 Erieview Plaza  
27<sup>th</sup> Floor  
Cleveland, OH 44114-1882

Conrad S.P. Williams, III, Esquire  
St. Martin & Williams  
4084 Highway 311  
Houma, LA 70361-2017

Michael P. Lehman, Esquire  
Thomas P. Dove, Esquire  
255 Bush Street  
15<sup>th</sup> Floor  
San Francisco, CA 94104

John C. Evans, Esquire  
Specter, Specter, Evans & Manogue  
Koppers Building  
26<sup>th</sup> Floor  
Pittsburgh, PA 15219

Bruce E. Gerstein, Esquire  
Garwin, Bronzaft, Gerstein & Fisher  
1501 Broadway  
New York, NY 10036

Steven J. Greenfogel, Esquire  
Meredith, Cohen, Greenfogel & Skirnick  
117 South Seventeenth Street  
22<sup>nd</sup> Floor, Architects Building  
Philadelphia, PA 19103

Steven A. Kanner, Esquire  
Much, Shelist, Freed, Denenberg,  
Ament, Bell & Rubenstein  
191 North Wacker  
Suite 1800  
Chicago, IL 60606

Bernard D. Marcus, Esquire  
James S. Larrimer, Esquire  
Marcus & Shapira LLP  
301 Grant Street  
35<sup>th</sup> Floor, One Oxford Centre  
Pittsburgh, PA 15219-6401

William J. Baer, Esquire  
Richard L. Rosen, Esquire  
Franklin J. Liss, Esquire  
Robert Mascola, Esquire  
John Hutchins, Esquire  
Arnold & Porter  
Thurman Arnold Building  
555 Twelfth Street, N.W.  
Washington, DC 20004-1206

W. Joseph Bruckner, Esquire  
Yvonne M. Flaherty, Esquire  
Lockridge, Grindal, Nauen & Holstein, P.L.L.P.  
100 Washington Avenue South  
Suite 2200  
Minneapolis, MN 55401

Anthony J. Bolognese, Esquire  
Bolognese & Associates, LLC  
One Penn Center  
1617 JFK Boulevard, Suite 650  
Philadelphia, PA 19103

Mitchel Zemel, Esquire  
Samuel H. Foreman, Esquire  
Weber Gallagher Simpson Stapleton Fires & Newby LLP  
Two Gateway Center, Suite 1450  
603 Stanwix Street  
Pittsburgh, PA 15222

Daniel I. Booker, Esquire  
Debra H. Dermody, Esquire  
Reed Smith LLP  
435 Sixth Avenue  
Pittsburgh, PA 15219-1886

Benjamin G. Bradshaw, Esquire  
Richard G. Parker, Esquire  
Ian Simmons, Esquire  
O'Melveny & Myers LLP  
1625 I Street, N.W.  
Washington, DC 20006-4001

Ruthanne Gordon, Esquire  
H. Laddie Montague, Jr., Esquire  
Berger & Montague, P.C.  
1622 Locust Street  
Philadelphia, PA 19103-6365

Joseph C. Kohn, Esquire  
Kohn, Swift & Graf, P.C.  
One South Street, Suite 2100  
Philadelphia, PA 19107

Marc H. Edelson, Esquire  
Edelson & Associates, LLC  
45 West Court Street  
Doylestown, PA 18901

Bernard J. Berry, Jr., Esquire  
Giordano, Halleran & Ciesla  
125 Half Mile Road  
P.O. Box 190  
Middletown, NJ 07748

John G. Unice, Esquire  
Jones, Day, Reavis & Pogue  
500 Grant Street  
31<sup>st</sup> Floor, One Mellon Center  
Pittsburgh, PA 15219

James M. Lynch, Esquire  
12197 Brecknock Street  
Oakton, VA 22124-2348

Susan G. Kupfer, Esquire  
Glancy, Binkow & Goldberg  
445 Market Street  
Suite 1810  
San Francisco, CA 94105

Mary Jane Edelstein Fait, Esquire  
Wolf Haldenstein Adler Freeman & Herz LLC  
55 West Monroe Street, Suite 1111  
Chicago, IL 60603

Daniel R. Karon, Esquire  
Weinstein, Kitchenoff, Scarlato, Karon & Goldman  
55 Public Square  
Suite 1500  
Cleveland, OH 44113-1998

Mitchel Zemel, Esquire  
Samuel H. Foreman, Esquire  
Weber Gallagher Simpson  
Stapleton Fires & Newby LLP  
Two Gateway Center, Suite 1450  
603 Stanwix Street  
Pittsburgh, PA 15222

Kevin B. Byrd, Esquire  
William V. O'Reilly, Esquire  
J. Andrew Read, Esquire  
Jones Day  
51 Louisiana Avenue  
Washington, D.C. 20001

Britt M. Miller, Esquire  
Andrew S. Marovitz, Esquire  
Andrew J. Schaefer, Esquire  
Mayer, Brown, Rowe & Maw, LLP  
190 South La Salle Street  
Chicago, IL 60603-3441

Jay Christopher Rooney, Esquire  
Carmody & Torrance, LLP  
18<sup>th</sup> Floor  
195 Church Street  
New Haven, CT 06509-1950

Bruce S. Kaplan, Esquire  
Robert S. Loigman, Esquire  
Friedman, Kaplan, Seiler & Adelman  
1633 Broadway  
New York, NY 10019

Evan A. Davis, Esquire  
Deborah M. Buell, Esquire  
Cleary Gottlieb Steen & Hamilton LLP  
One Liberty Plaza  
New York, NY 10006

Mark Leddy, Esquire  
Cleary Gottlieb Steen & Hamilton  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1801

Stewart M. Weltman, Esquire  
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.  
39 South LaSalle Street  
Suite 1100  
Chicago, IL 60603

Brian Byrne, Esquire  
Leah Brannon, Esquire  
Jeffrey Leisure, Esquire  
Cleary Gottlieb Steen & Hamilton  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1801

Michael W. Byrne, Esquire  
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 500 West Tower  
Washington, D.C. 20005

Gregory K. Arenson, Esquire  
Kaplan, Kilsheimer & Fox  
805 Third Avenue  
22<sup>nd</sup> Floor  
New York, NY 10022